

The Same-Sex Marriage Law and Employee Benefits: What You Need To Know

July 2, 2013

Same-Sex Marriage in Minnesota

On May 14, 2013, Governor Mark Dayton signed the Marriage Equality Act into law. On August 1, 2013, this law takes effect and recognizes same-sex civil marriages entered into in Minnesota, as well as same-sex marriages entered into in other states and countries.

Same-Sex Marriage Nationally

On June 26, 2013, the United States Supreme Court struck down the federal Defense of Marriage Act (commonly referred to as "DOMA"), which defined "marriage" as "only a legal union between one man and one woman as husband and wife." Under the Supreme Court's decision, legally married same-sex couples will be eligible for the same federal benefits opposite-sex married couples currently enjoy.

What Does This Mean for Employees Married to Same-Sex Spouses?

As of August 1, 2013, employees will be able to extend benefits coverage to same-sex spouses and their dependents under the age of 26 years. These benefits include medical coverage, dental coverage, life insurance, reimbursement under the employee's Flexible Spending Account (FSA), Health Reimbursement Account (HRA/VEBA), family leave under the Family and Medical Leave Act (FMLA), and PERA survivor benefits. Benefits continuation coverage will also be extended to same-sex couples and their dependents.

Here is a summary of the benefit changes:

- A same-sex spouse and/or the children of the same-sex spouse can be covered by the employee's medical and dental coverage;
- Eligible expenses of the employee's same-sex spouse and/or the same-sex spouse's children will be eligible for reimbursement under the employee's FSA and HRA/VEBA accounts
- Employees can enroll for an FSA or increase contributions if already enrolled.
- Employees currently enrolled for optional life insurance can add dependent life insurance and cover their same-sex spouses.

Changing or Obtaining Benefits

Same sex couples do not need to wait until open enrollment to extend their benefits coverage. However, same sex couples must act within the 30-day time period outlined below:

- Same-sex couples legally married prior to August 1, 2013 will have until August 30, 2013 to sign up for benefits. Coverage will become effective August 1, 2013.
- Same-sex couples who marry on or after August 1, 2013 will have 30 days from the date of their marriage to sign up for benefits. Coverage will be effective as of the date of marriage.
- Couples failing to sign up for benefits during the 30-day time period will have the opportunity during the next open enrollment period to sign up for benefits.

To enroll a same-sex spouse and their dependents for City-sponsored benefit plan coverage, employees must complete enrollment forms and return them with required documents. Enrollment forms and instructions are available online at http://www.minneapolismn.gov/hr/benefits/medical/benefits_change-elections. Additionally, employees should consult with their tax advisors to determine whether their income tax withholding should be changed.

For additional information, please contact benefits@minneapolismn.gov or call 612-673-2095.